

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 691 OF 2024

Tara Chand Infra Logistic Solutions Ltd. ...Petitioner

Versus

The State of Maharashtra through its ...Respondents
Principal Secretary for Labour and Industry
Department and Ors.

Mr.Kiran Bapat, Senior Advocate with Mr. Sandeep Barve and Mr.
Vijay Hamare i/b. B.K. Barve and Co. for the Petitioner.

Ms. R.A.Salunkhe, AGP for Respondent No.1 -State.

Ms.Bharati Patil for Respondent No.4.

Mr.Swapnil N. Kale for Respondent Nos. 5 and 6.

**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.**

DATE : 6 MARCH 2024

P.C. :

1. The Petitioner Tara Chand Infra Logistic Solutions Limited operates MI jack and mobile cranes at Steel Authority of India at Kalamboli, District Raigad. Certain Mathadi workers are allotted to the Petitioner for carrying out loading work by Respondent- Mathadi Board. According to the Petitioner, the said Mathadi workers are taking objections to the operation of MI jack and mobile cranes.

2. On 5 February 2024 when all parties were represented, we had

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passed the following order:

“ The learned Counsel for Respondent No.2- Board seeks time to file reply.

2. From the arguments that are advanced before us, what emerges is that the grievance of the Petitioner is regarding steps not taken by the Statutory Board.

*3. Respondent No.2- Board is statutorily entrusted with the task to resolve the issues between the Employer, Mathadi workers and Tolis of Mathadi workers. Therefore, while we defer the hearing of this petition at the request of Respondent No.2-Board to **23 February 2024**, we direct Respondent No.2- Board, if not already called for a joint meeting, will call for a joint meeting of all the concerned parties. All the parties will cooperate with the Board so as to enable it to make an amicable resolution of the dispute.*

4. Respondent No.2- Board, without waiting for the copy of this order, in performance of all the statutory duties, will issue such instructions as it deems fit in furtherance of its attempt to resolve the dispute.”

3. Thereafter on 1 March 2024, we perused the affidavit filed by the Respondent-Mathadi Board who had accepted the position and further stated that the concerned Mathadi workers were not obeying the orders of the Board and that a FIR was registered at police station. At that time, we had expressed that the Senior Officer of the State must look into the matter and adjourned it to 4 March 2024.

4. Thereafter on 4 March 2024, it is adjourned till today for the learned AGP to take instructions. The learned AGP in the morning session placed before us a communication issued by the Deputy Secretary of State to the office of the Government Pleader which stated that the State Government supports the stand and action of

the Mathadi board and State is providing all the necessary measures to give support to the Mathadi Board. It is stated that a FIR is also lodged and if any untoward incident takes place, appropriate action would be taken. Thereafter, it is stated that representation of the Petitioner would be decided.

5. Since the State and the Statutory Board accept before us that the Petitioner's grievance is correct and there is needless disruption in the work, which ultimately affects the working of Steel Authority of India, we had expected a proactive response and not a non committal one. Once the State is on record that it will support the Board, the Petitioner and the Board need to have an identified officer to whom the grievance can be taken further. Therefore we had kept the matter in the afternoon session for the learned AGP to take instruction which that officer would be. We are informed that the Labour Commissioner will decide the representation of the Petitioner.

6. The learned counsel for the Petitioner states that the work is of loading and unloading of steel plates from onward transmission on the steel yard and the Petitioner is facing substantial issues on site. The Mathadi Board has limited resources for enforcement of the order and therefore, it would require assistance from the State machinery. As regards the Labour Commissioner is concerned, in these facts, the Labour Commissioner, as pointed out by the learned counsel for the Petitioner, will not have the adequate powers.

7. Accordingly, we call upon the Principal Secretary, Labour and Industry Department, Mantralaya to give audience to the Petitioner as regard the grievances raised by the Petitioner and issue necessary directions to the Police Authorities and Mathadi Board and all concerned officers of the State.

8. We are also of the opinion that for a permanent solution to the problem presented before us, the Principal Secretary will consider making an attempt to mediate the dispute by involving the representatives of the Union, the representatives of the Petitioner, the Board and also Steel Authority of India.

9. Since, this Forum is made available to the Petitioner as above, where Petitioner can raise the grievance, we need not keep the petition pending.

10. Writ Petition is disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)